

1761
I

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Porter et al.

Title: PROTEIN SUPPLEMENTED
COOKED DOUGH PRODUCT

Appl. No.: 09/989,743

Filing Date: 11/20/2001

Examiner: Anthony J. Weier

Art Unit: 1761

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below. <u>Deborah Kocorowski</u> (Printed Name) <u>Deborah A. Kocorowski</u> (Signature) <u>June 24, 2003</u> (Date of Deposit)
--

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450RECEIVED
JUL 01 2003
TC 1700

Applicants submit herewith on Form PTO-1449 a listing of the documents cited by or submitted to the U.S. Patent and Trademark Office in parent Application Serial No. 09/883,496; Application Serial No. 09/883,558; Application Serial No. 09/883,495; Application Serial No. 09/883,849; Application Serial No. 09,883,552 each filed June 18, 2001; and Application Serial No. 09/717,923 filed November 21, 2000. As provided in 37 CFR § 1.98(d), copies of the documents are not being provided because they were previously submitted to the United States Patent and Trademark Office in the above-identified parent applications.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

06/30/2003 JBALINAN 00000035 09989743

01 FC:1806

180.00 OP

9
05.**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.113, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

The relevance of the foreign-language documents is explained in the parent applications.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

FEE

A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date June 21, 2003

By 

FOLEY & LARDNER
Customer Number: 26371



26371

PATENT TRADEMARK OFFICE

Telephone: (414) 297-5765

Facsimile: (414) 297-4900

M. Reed Staheli
Attorney for Applicant
Registration No. 47,959

Form PTO 1449

(MODIFIED)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

023829-0133

SERIAL NO.

09/989,743

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT

Porter et al.

FILING DATE

11/20/2001

GROUP ART UNIT

1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	6,056,903	05/02/2000	Greenwood et al.	264	41	
	A2	5,939,182	08/17/1999	Huang et al.	428	323	
	A3	5,760,182	06/02/1998	Adachi et al.	530	378	
	A4	5,707,522	01/13/1998	Maeda et al.	210	500.23	
	A5	5,658,714	08/19/1997	Westfall et al.	530	378	
	A6	5,554,292	09/10/1996	Maeda et al.	210	640	
	A6	5,503,746	04/02/1996	Gagnon	210	490	
	A8	5,476,590	12/19/1995	Brose et al.	210	636	
	A9	5,456,843	10/10/1995	Koenhen	210	651	
	A10	5,290,448	03/01/1994	Sluma et al.	210	500.23	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	A11	WO 98/12209	03/26/1998	PCT				
	A12	GB 1 540 376	02/14/1979	Great Britain				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	A13	Cheryan, "Mass Transfer Characteristics of Hollow Fiber Ultrafiltration of Soy Protein Systems," <u>J. Food Proc. Eng.</u> , 1, pp. 269-287 (1977).
	A14	Gould et al., "A Practical Approach to Controlling the Fouling of Ultrafiltration Membranes: A Case Study of the Successful Development of a Commercial Soy Protein Application," available @ http://www.osmonics.com/products/Page823.htm (available at least by Dec. 3, 1999).
	A15	Lawhon et al., "Processing Whey-Type By-Product Liquids from Cottonseed Protein Isolation with Ultrafiltration and Reverse Osmosis Membranes," <u>J. Food Proc. Eng.</u> , 1, pp. 15-35 (1977).
	A16	Lawhon et al., "Production of Protein Isolates and Concentrates from Oilseed Flour Extracts using Industrial Ultrafiltration and Reverse Osmosis Systems," <u>Journal of Food Science</u> , 42, pp. 389-394 (1977).
	A17	Lawhon et al., "Optimization of Protein Isolate Production from Soy Flour Using Industrial Membrane Systems," <u>Journal of Food Science</u> , 43, pp. 361-369 (1978).
	A18	Lawhon et al., "Alternate Processes for Use in Soy Protein Isolation by Industrial Ultrafiltration Membranes," <u>Journal of Food Science</u> , 44, pp. 213-219 (1979).
	A19	Lawhon et al., "Soy Protein Ingredients Prepared by New Processes-Aqueous Processing and Industrial Membrane Isolation," <u>Journal of the American Oil Chemists' Society</u> , 58, pp. 377-383 (Mar. 1981).
	A20	Lawhon et al., "Production of Oil and Protein Food Products from Raw Peanuts by Aqueous Extraction and Ultrafiltration," <u>Journal of Food Science</u> , 46, pp. 391-395 (1981).
	A21	Lawhon et al., "Combining Aqueous Extraction and Membrane Isolation Techniques to Recover Protein and Oil from Soybeans," <u>Journal of Food Science</u> , 46, pp. 912-916 (1981).

EXAMINER

DATE CONSIDERED

- * **EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

Form PTO-1449 (MODIFIED) INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 023829-0133	SERIAL NO. 09/989,743
	APPLICANT Porter et al.		
	FILING DATE 11/20/2001	GROUP ART UNIT 1761	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	B1	5,086,166	02/04/1992	Lawhon et al.	530	378	
	B2	5,039,420	08/13/1991	Klein et al.	210	645	
	B3	5,000,848	03/19/1991	Hodgins et al.	210	321.68	
	B4	4,943,374	07/24/1990	Heininger et al.	210	651	
	B5	4,943,373	07/24/1990	Onishi et al.	210	500.42	
	B6	4,906,379	03/06/1990	Hodgins et al.	210	638	
	B7	4,897,465	01/30/1990	Cordle et al.	530	387	
	B8	4,889,921	12/26/1989	Diosady et al.	530	377	
	B9	4,787,976	11/29/1988	Parham et al.	210	500.23	
	B10	4,697,004	09/29/1987	Puski et al.	530	378	
	B11	4,624,805	11/25/1986	Lawhon	530	376	
	B12	4,420,425	12/13/1983	Lawhon	260	123.5	
	B13	4,332,719	06/01/1982	Lawhon et al.	260	123.5	
	B14	4,324,805	04/13/1982	Olsen	426	46	
	B15	4,293,571	10/06/1981	Olofsson et al.	426	7	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

B16	Lawhon et al., "New Techniques in Membrane Processing of Oilseeds," <u>Food Technology</u> , 38, pp. 97-106 (1984).
B17	Nichols et al., "Production of Soy Isolates by Ultrafiltration: Factors Affecting Yield and Composition," <u>J. Food Sci.</u> , 46, pp. 367-372 (1981).
B18	Okubo et al., "Preparation of Low-Phytate Soybean Protein Isolate and Concentrate by Ultrafiltration," <u>Cereal Chemistry</u> , 52, pp. 263-271 (1975).
B19	Omosaiye et al., "Removal of Oligosaccharides from Soybean Water Extracts by Ultrafiltration," <u>J. Food Sci.</u> , 43, pp. 354-360 (1978).
B20	Omosaiye et al., "Ultrafiltration of Soybean Water Extracts: Processing Characteristics and Yields," <u>J. Food Sci.</u> , 44, pp. 1027-1031 (1979).
B21	Omosaiye et al., "Low-Phytate, Full-Fat Soy Protein Product by Ultrafiltration of Aqueous Extracts of Whole Soybeans," <u>Cereal Chem.</u> , 56, pp. 58-62 (1979).
B22	Osmonics, "Osmonics® Ultrafilic® M-Series Membrane Engineered to be 'Fouling-Free,'" available @ http://www.osmonics.com/scripts/PressTpl.asp?PressRelID=307 (dated Oct. 4, 1999).
B23	Osmonics, "UltraFilic Membranes," available @ http://www.osmonics.com/products/Page918.htm (available at least by Nov. 15, 2000).
B24	Porter et al., "Membrane ultrafiltration," <u>Chem. Tech.</u> , pp. 56-63 (Jan. 1971).
B25	Tarok, "The Filtration Spectrum," available @ http://www.osmonics.com/products/Page710.htm (Published in "Filtration News" on May 1, 1994).

EXAMINER

DATE CONSIDERED

- * **EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

JUN 27 2003

Page 3 of 4

Form PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

023829-0133

SERIAL NO.

09/989,743

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT

Porter et al.

FILING DATE

11/20/2001

GROUP ART UNIT

1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	C1	4,256,652	03/17/1981	Kidani et al.	260	429 R	
	C2	4,252,652	02/24/1981	Elfert et al.	210	654	
	C3	4,163,010	07/31/1979	Garbutt	260	112 R	
	C4	4,147,745	04/03/1979	Sano et al.	264	22	
	C5	4,125,527	11/14/1978	Buhler et al.	260	112 R	
	C6	4,091,120	05/23/1978	Goodnight, Jr. et al.	426	598	
	C7	4,088,795	05/09/1978	Goodnight, Jr. et al.	426	598	
	C8	4,075,361	02/21/1978	Oberg	426	655	
	C9	4,072,670	02/07/1978	Goodnight, Jr. et al.	260	123.5	
	C10	4,069,103	01/17/1978	Müller	195	4	
	C11	4,028,468	06/07/1977	Hohner et al.	426	436	
	C12	4,018,752	04/19/1977	Bühler et al.	260	112 R	
	C13	3,995,071	11/30/1976	Goodnight, Jr. et al.	426	598	
	C14	3,993,636	11/23/1976	Maubois et al.	260	123.5	
	C15	3,958,015	05/18/1976	Gay	426	18	
	C16	3,896,241	07/22/1975	Malaspina et al.	426	271	
	C17	3,880,755	04/29/1975	Thomas et al.	210	91	
	C18	3,736,147	05/29/1973	Iacobucci et al.	99	17	
	C19	3,728,327	04/17/1973	Frazeur et al.	260	123.5	
	C20	3,622,556	11/23/1971	O'Connor	260	123.5	
	C21	3,586,662	06/22/1971	O'Connor	260	123.5	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	C22	United Soybean Board, "Soy Protein Isolate" available @ http://www.talksoy.com/isolate.htm (available at least by Sept. 6, 2000).

EXAMINER

DATE CONSIDERED

- * EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

RECEIVED
JUL 01 2003
TC 1700

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT

Porter et al.

FILING DATE

11/20/2001

GROUP ART UNIT

1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	D1	5,503,832	04/02/1996	De Stoutz			
	D2	4,346,122	08/24/1982	Orthoefer et al.			
	D3	3,660,111	05/02/1972	Koch			
	D4	3,630,753	12/28/1971	McInychyn			
	D5	3,361,575	01/02/1968	T. M. Paulsen			

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	D6	WO 01/06866	07/24/2000	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	D7	Protein Technologies International "Supro® 425 Isolated Soy Protein Product Description" (available at least by June 1, 2001) 1 page.
	D8	Protein Technologies International "Supro® 500E Isolated Soy Protein" (available at least by Aug. 1998) 1 page.
	D9	Protein Technologies International "Supro® 515 Isolated Soy Protein" (available at least by Sept. 1997) 1 page.
	D10	Protein Technologies International "Supro® 661 Isolated Soy Protein Product Description" (available at least by June 1, 2001) 1 page.
	D11	Protein Technologies International "Supro® 670 Isolated Soy Protein" (available at least by Feb. 10, 1999) 2 pages.
	D12	Protein Technologies International "Supro® 760 Isolated Soy Protein Product Description" (available at least by June 1, 2001) 1 page.
	D13	ADM, "PRO FAM® 646, 648, and 982 Isolated Soy Proteins 066-646, 066-648, and 066-982" (available at least by June 1, 2001) 1 page.
	D14	ADM, "PRO FAM® 970, 972, 974, and 981 Isolated Soy Proteins 066-970, 066-972, 066-974, and 066-981" (available at least by June 1, 2001) 1 page.
	D15	Protein Technologies International "FP-940 Isolated Soy Protein" (available at least by June 1, 2001) 1 page.

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.